

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARISTA RECORDS, LLC; ATLANTIC
RECORDING CORPORATION; ARISTA MUSIC,
fka BMG MUSIC; CAPITOL RECORDS, INC.;
ELEKTRA ENTERTAINMENT GROUP INC.;
INTERSCOPE RECORDS; LAFACE RECORDS
LLC; MOTOWN RECORD COMPANY, L.P.;
PRIORITY RECORDS LLC; SONY MUSIC
ENTERTAINMENT, fka SONY BMG MUSIC
ENTERTAINMENT; UMG RECORDINGS, INC;
VIRGIN RECORDS AMERICA, INC.; AND
WARNER BROS. RECORDS INC.,

Plaintiffs,

-against-

LIMEGROUP LLC; LIME WIRE LLC; MARK
GORTON; GREG BILDWON; and M.J.G. LIME
WIRE FAMILY LIMITED PARTNERSHIP,

Defendants.

06 CV 5936 (KMW)

**RESPONSE TO COURT'S INQUIRY REGARDING
EFFECT OF SETTLEMENT ON REQUEST FOR ATTORNEY'S FEES OF
ELECTRONIC FRONTIER FOUNDATION AND FRED VON LOHMANN**

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Fred von Lohmann*

Electronic Frontier Foundation (“EFF”) and Fred von Lohmann hereby respond to the Court’s request for briefing, during a telephone hearing held on June 21, 2011, regarding the effect of the parties’ settlement of this action on EFF and Mr. von Lohmann. As this Court is aware, EFF and Mr. von Lohmann have pending in the Northern District of California a request for an award of fees and costs incurred in connection with proceedings in that court regarding subpoenas issued to EFF and Mr. von Lohmann. Plaintiffs have moved to enforce the parties’ settlement against EFF and Mr. von Lohmann based on the contention that EFF and Mr. von Lohmann should be deemed “Lime Wire Released Parties” under Section 5.1 of the settlement agreement. *See* 6/16/11 letter from Plaintiffs’ counsel to the Court. Plaintiffs argue that EFF and Mr. von Lohmann qualify as attorneys for Lime Wire under Section 5.1 because, as the Court is aware, EFF and Mr. von Lohmann provided legal advice to Lime Wire in the past.

EFF and Mr. von Lohmann were surprised by the position Plaintiffs took on this question, because neither EFF nor Mr. von Lohmann was asked to sign the settlement agreement, participated in its negotiation, or was even shown a draft of the agreement before it was signed. On reflection, however, EFF and Mr. von Lohmann prefer to bring an end to this matter. Accordingly, EFF and Mr. von Lohmann agree to be deemed “Lime Wire Released Parties” pursuant to the settlement agreement, as Plaintiffs have asserted.

EFF and Mr. von Lohmann will withdraw their pending fee request to the Northern District of California. By agreeing to the position Plaintiffs have taken regarding the

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settlement, EFF and Mr. von Lohmann hope to reduce the burden on the courts that further litigation in this contentious matter would entail.

Dated: July 19, 2011.

WINSTON & STRAWN LLP

By: /s/
Andrew P. Bridges

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